



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,814	08/16/2001	Vasco Vollmer	10191/1812	9655
26646	7590	07/06/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			DEANE JR, WILLIAM J	
		ART UNIT		PAPER NUMBER
				2642

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/831,814	VOLLMER ET AL.	
	Examiner	Art Unit	
	William J. Deane	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 May 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 33-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 33-65 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1 page</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 33, 55 and 57 - 58 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 726 508 (Frampton; hereafter referred as the EP).

With respect to the limitations of claim 33, note that such limitations read on the EP reference at Col. 2, line 43 – Col. 5, line 51.

With respect to claims 57 – 58, note Col. 4, lines 3 - 8.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34 – 35 and 50 - 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over the EP reference and U.S. Patent No. 6,356,538 (Li).

Note that the EP reference teaches that in a second mode at least one or more components are deactivated (see Col. 3, lines 8 – 12 of EP) to save battery power. However, the EP reference does not explicitly teach a third mode. Li teaches that such

a third mode is known in the art (see Abstract and Figs. 4 – 8 of Li). It would have been obvious to one of ordinary skill in the art to have to have incorporated such a third mode as taught by Li into the EP reference in order to further conserve the battery.

With respect to claim 35, since both references teach that synchronization is important, such a limitation is inherent in Li.

Claims 36 – 43, 45, 48 – 49, 56 and 59 - 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over the EP reference and Li and further in view of U.S. Patent No. 6,879,579 (Myles et al.).

With respect to limitations contained in these claims, note that many would appear to be obvious in either the EP or Li references in order to maintain synchronization. In addition, note the communication between the master station (hub) and the terminals M1 – M4, among others, in Myles et al. (see Background of the Invention, Disclosure of the Invention, Col. 6, line 65 – Col. 7, line 3, Col. 8, line 5 – Col. 9, line 3, note the elements in Tables 1A and 1B, note Col. 9, line 50 – Col. 10, line 5, Table 3 (ack/nack), Col. 11, line 66 – Col. 12, line 27, Col. 16, line 5 – Col. 17, line 24, Col. 17, line 44 – 49, Col. 18, line 4 – 15 and Col. 18, line 43 – 48. Such communicating between the master station and the terminals also includes confirmations and requests as shown in Myles et al. Therefore, it would have been obvious, if not already inherent, at least in some cases, in the other two references, to one of ordinary skill in the art to use such requests, confirmation and communications between the master station and the terminals in order to retain synchronization.

With respect to claim 44, "marks" are well-known in the art (see Col. 2, lines 59 – 62 of Myles et al. and it would be obvious to use such marks wherever it is deemed necessary.

Claims 46 - 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over the EP reference and U.S. Patent No. 5606313 (Allen et al.).

With respect to claim 46, the EP reference teaches the limitations as claimed except for the inversion aspect to the invention. However, note that Allen et al. teach that such is known in the art (see Col. 7, lines 7 – 52 of Allen et al.). It would have been obvious to one of ordinary skill in the art to have incorporated such inversion technique with wake-up as taught by Allen et al. in the EP reference in order to conserve battery power.

With respect to claim 56, note Col. 18, lines 42 – 48 of Myles et al.

With respect to claims 59 – 65, these limitations would be obvious in view of the discussion above.

Claim Rejections - 35 USC § 103

Claims 52 – 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over the EP reference in view of U.S. Patent No. 5,794,137 (Harte)

With respect to claims 52 - 53, the EP reference teaches the claimed limitations except for the dynamically adapting aspect. However, note that Harte teaches such is known in the art (see Col. 7, lines 16 – 23). It would have been obvious to one of ordinary skill in the art to have incorporated such dynamically adapting as taught by Harte in the EP reference in order to conserve battery power.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the Abstracts and Summary of the Inventions of the references cited on the 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 872-9314.

25Jun05

William J. Deane
WILLIAM J. DEANE, JR.
PRIMARY EXAMINER